

# Best Available Copy

**TERMINAL DISCLAIMER TO OBViate A  
DOUBLE PATENTING REJECTION  
OVER A PRIOR PATENT**

Docket Number:  
**S1509.70029US00**

In re Application of: Eric T. FosseI  
Application No. 08/932,227  
Confirmation No. 5092  
Filed: September 17, 1997  
For: TOPICAL DELIVERY OF L-ARGININE TO CAUSE BENEFICIAL EFFECTS

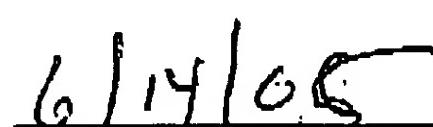
The owner\*, Strategic Science & Technologies, LLC, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §154 to §156 and §173 as presently shortened by any terminal disclaimer, of prior Patent No. 6,207,713. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §154 to §156 and §173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

  
Signature

  
Date

Eric T. FosseI

Typed or Printed Name

Terminal disclaimer fee under 37 CFR 1.20(d) included.

\*Statement under 37 CFR. 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP §324.

**STATEMENT UNDER 37 C.F.R. §3.73(b)**

Owner:	Strategic Science & Technologies, LLC	
Application No.:	08/932,227	Filing Date: September 17, 1997
Confirmation No.:	5092	
Entitled:	TOPICAL DELIVERY OF L-ARGININE TO CAUSE BENEFICIAL EFFECTS	
Strategic Science & Technologies, LLC (Name of Assignee)	a limited liability company (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)	

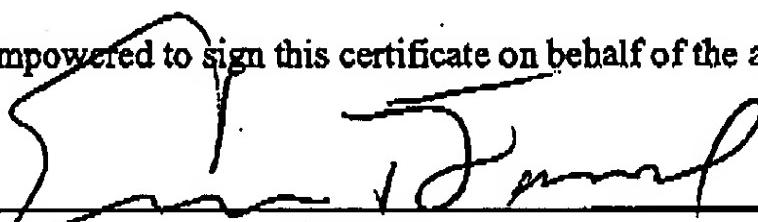
states that it is the assignee of the entire right in the patent application identified above by virtue of an assignment from the inventor of the patent application identified above, a copy thereof which is attached.

From: Eric Thor Fossel To: Strategic Science & Technologies, LLC

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to the Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08.]

The undersigned (whose title is supplied below) is empowered to sign this certificate on behalf of the assignee.

6/14/05  
Date

  
Signature

Eric Thor Fossel

Typed or Printed Name

President + CEO

Title

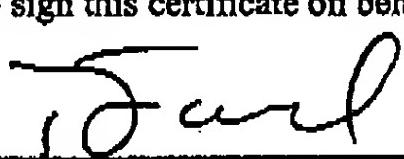
**STATEMENT UNDER 37 C.F.R. §3.73(b)**

Owner:	Strategic Science & Technologies, LLC	
Patent No.:	6,207,713 B1	Issue Date: March 27, 2001
Entitled:	TOPICAL AND ORAL DELIVERY OF ARGININE TO CAUSE BENEFICIAL EFFECTS	
Strategic Science & Technologies, LLC (Name of Assignee)	a limited liability company (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)	
states that it is the assignee of the entire right in the patent identified above by virtue of an assignment from the inventor of the patent identified above, a copy thereof which is attached.		
From: Eric Thor Fossel	To: Strategic Science & Technologies, LLC	

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6/14/05  
Date

   
Signature

Eric Thor Fossel  
Typed or Printed Name  
President + CEO  
Title

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\*\*\* TX REPORT \*\*\*  
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**F A X C O V E R**

\*\*\*\*\***OFFICIAL FAX**\*\*\*\*\*

**Date:** June 14, 2005      **Number of pages (Including cover):** Four

**To:** Assignment Branch, U.S. Patent and Trademark Office

**Fax No.:** 703.306.5995

**Serial No.:** 08/932,227

**Title:** **TOPICAL DELIVERY OF L-ARGININE TO CAUSE BENEFICIAL EFFECTS**

**From:** Tanl Chen, Sc.D.

**Direct dial:** 617.646.8214

**Our File #:** S1509.70029US00

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**CERTIFICATE OF FACSIMILE TRANSMISSION 37 C.F.R. §1.8(a)**

The undersigned hereby certifies that this document is being transmitted via facsimile to the attention of Assignment Branch, FAX number (703) 306-5995, at the United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450, in accordance with 37 C.F.R. §1.6(d), on the 14 day of June, 2005.

A handwritten signature in black ink, appearing to read "Maureen Joyce".

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**F A X C O V E R**

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**From:** Tani Chen, Sc.D.

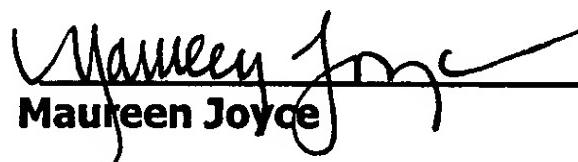
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Maureen Joyce

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**Wolf Greenfield Fax Number: 617.646.8646**

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617.646.8000 | fax 617.646.8646 | [www.wolfgreenfield.com](http://www.wolfgreenfield.com) 906772

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# RECORDATION FORM COVER SHEET PATENTS ONLY

FORM PTO-1595 U.S.

(Rev. 6-93)

OMB No. 0651-0011 (exp. 4/94)

**DEPARTMENT OF COMMERCE**  
 Patent and Trademark Office

To the Commissioner for Patents : Please record the attached original documents or copy thereof.

## 1. Name of conveying party(ies):

**Eric Thor Fossel**

Additional name(s) of conveying party(ies) attached? [ ] Yes [X] No

## 3. Nature of conveyance:

[X] Assignment      [ ] Merger  
 [ ] Security Agreement      [ ] Change of Name  
 [ ] Other \_\_\_\_\_

Execution Date: **June 14, 2005**

## 4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is

A. Patent Application No.(s)

**08/932,227**

B. Patent No.(s)

Additional numbers attached? [ ] Yes [X] No

5. Name and address of party to whom correspondence  
Concerning document should be mailed:

Name: **Tani Chen, Sc.D.**  
 Address: **Wolf, Greenfield & Sacks, P.C.**  
**600 Atlantic Avenue**  
**Boston, MA 02210-2206**

6. Total number of applications and patents involved: **[1 ]**7. Total fee (37 CFR 3.41) **\$ 40.00****[ ] Enclosed****[X] Authorized to be charged to deposit account**The Commissioner is authorized to charge any  
deficiencies in the enclosed payment to:8. Deposit Account No: **23/2825****DO NOT USE THIS SPACE**

## 9. Statement and signature

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*

Tani Chen, Sc.D.

June 14, 2005

Name of Person Signing

Signature

Date

Total number of pages including cover sheet, attachments, and document: **[Three ]**

Mail documents to be recorded with required cover sheet information to (modify as appropriate):

**Mail Stop Assignment Recordation Services****Director - U.S. Patent and Trademark Office****PO Box 1450, Alexandria, VA 22313-1450 906773**

ASSIGNMENT

For good and valuable consideration, the receipt of which is hereby acknowledged, I, the undersigned, Eric Thor Fossel, 909 West Roxbury Parkway, Chestnut Hill, Massachusetts, 02457; hereby:

1. Sell, assign and transfer to Strategic Science & Technologies, LLC, a Delaware limited liability company having a place of business at 58 Charles Street, Cambridge, Massachusetts 02141, its successors, assigns and legal representatives, all hereinafter referred to as the Assignee, my entire right, title and interest for the United States and all foreign countries, in and to any and all inventions and designs which are disclosed in the application for United States Letters Patent filed in the United States Patent and Trademark Office on September 17, 1997 under Serial No. 08/932,227 and entitled, TOPICAL DELIVERY OF L-ARGININE TO CAUSE BENEFICIAL EFFECTS, and in and to said application and all non-provisional, divisional, continuing, substitute, renewal, reissue and all other applications for Letters Patent, utility models, industrial designs or similar intellectual property rights which have been or shall be filed in the United States, internationally, and in any foreign country on any of said inventions; and in and to all original and reissued patents which have been or shall be issued in the United States and all foreign countries on said inventions including the right to apply for patent rights in each foreign country and all rights to priority;
2. Agree that said Assignee may apply for and receive Letters Patent and utility model and industrial design registrations for said inventions in its own name; and when requested, without charge to but at the expense of said Assignee, I agree to carry out in good faith the intent and purpose of this assignment, by executing all non-provisional, divisional, continuing, substitute, renewal, reissue, and all other patent, utility model and industrial design applications on any and all said inventions, by executing all rightful oaths, assignments, powers of attorney and other papers, by communicating to said Assignee all facts known to me relating to said inventions and the history thereof, and generally by doing everything reasonably possible which said Assignee shall consider desirable for aiding in securing and maintaining proper protection for said inventions and for vesting title to said inventions and all applications for patents and all patents on said inventions, in said Assignee;
3. Request the Honorable Director of Patents and Trademarks to issue said Letters Patent to said Assignee;
4. Authorize and request Wolf, Greenfield & Sacks, P.C. to supply any missing patent/application identification information or correct any errors in the patent/application identification information provided above, whether discovered prior to or after recordation; and
5. Covenant with said Assignee that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been made to others by me and that full right to convey the same as herein expressed is possessed by me.

This instrument is executed under seal.

Date

6/14/05

E. Thor Fossel

Inventor: Eric Thor Fossel  
Address: 909 West Roxbury Parkway  
Chestnut Hill, Massachusetts 02457  
Citizenship: United States of America

STATE/COMMONWEALTH OF Massachusetts  
COUNTY OF Middlesex

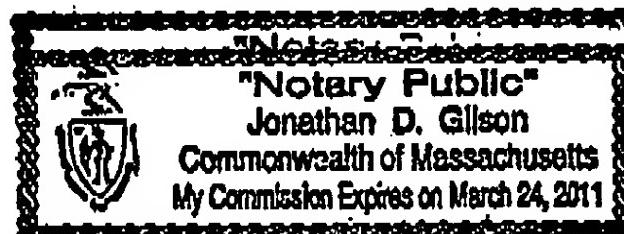
On this 14 day of June, 2005, before me, the undersigned notary public, personally appeared Eric Fossel, proved to me through satisfactory evidence of identification, which were MA Driver's Lic., to be the person who signed the preceding or attached document in my presence and swore or affirmed to me that the contents of the document are truthful and accurate to the best of (his) (her) knowledge and belief and acknowledged to me that (he) (she) signed it voluntarily for its stated purpose.

SEAL

Notary Public

My commission expires 3/24/2011

906483



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**Date:** June 14, 2005      **Number of pages (including cover):** Four

**To:** Assignment Branch, U.S. Patent and Trademark Office

**Fax No.:** 703.306.5995

**Patent No.:** 6,207,713 B1

**Title:** **TOPICAL AND ORAL DELIVERY OF ARGININE TO CAUSE BENEFICIAL EFFECTS**

**From:** Tani Chen, Sc.D.

**Direct dial:** 617.646.8214

**Our File #:** S1509.70026us00

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**CERTIFICATE OF FACSIMILE TRANSMISSION 37 C.F.R. §1.8(a)**

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Maureen Joyce

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617.646.8000 | fax 617.646.8646 | [www.wolfgreenfield.com](http://www.wolfgreenfield.com)

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FORM PTO-1595 U.S.

(Rev. 6-93)

OMB No. 0651-0011 (exp. 4/94)

DEPARTMENT OF COMMERCE  
Patent and Trademark Office

To the Commissioner for Patents : Please record the attached original documents or copy thereof.

1. Name of conveying party(ies): <b>Eric Thor Fossel</b>  Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		2. Name and address of receiving party(ies) <b>Name: Strategic Science &amp; Technologies, LLC. 58 Charles Street Cambridge, Massachusetts 02141</b>  Additional name(s) & addresses(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
3. Nature of conveyance: <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Other _____			
Execution Date: <b>June 14, 2005</b>			
4. Application number(s) or patent number(s):  If this document is being filed together with a new application, the execution date of the application is A. Patent Application No.(s)      B. Patent No.(s) <b>6,207,713 B1</b>			
Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
5. Name and address of party to whom correspondence Concerning document should be mailed:  Name: <b>Tani Chen, Sc.D.</b> Address: <b>Wolf, Greenfield &amp; Sacks, P.C.</b> <b>600 Atlantic Avenue</b> <b>Boston, MA 02210-2206</b>		6. Total number of applications and patents involved: <input type="checkbox"/> [1 ]  7. Total fee (37 CFR 3.41) <b>\$ 40.00</b> <input type="checkbox"/> Enclosed  <input checked="" type="checkbox"/> Authorized to be charged to deposit account  The Commissioner is authorized to charge any deficiencies in the enclosed payment to:  8. Deposit Account No: <b>23/2825</b>	
<b>DO NOT USE THIS SPACE</b>			
9. Statement and signature <i>To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.</i>			
Tani Chen, Sc.D.		June 14, 2005	
Name of Person Signing	Signature		Date
Total number of pages including cover sheet, attachments, and document: <b>[Three ]</b>			

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Director - U.S. Patent and Trademark Office

PO Box 1450, Alexandria, VA 22313-1450 906766

ASSIGNMENT

For good and valuable consideration, the receipt of which is hereby acknowledged, I, the undersigned, Eric Thor Fossel, 909 West Roxbury Parkway, Chestnut Hill, Massachusetts, 02457; hereby:

1. Sell, assign and transfer to Strategic Science & Technologies, LLC, a Delaware limited liability company having a place of business at 58 Charles Street, Cambridge, Massachusetts 02141, its successors, assigns and legal representatives, all hereinafter referred to as the Assignee, my entire right, title and interest for the United States and all foreign countries, in and to any and all inventions and designs which are disclosed in the application for United States Letters Patent Number 6,207,713 B1, issued on March 27, 2001, and titled TOPICAL AND ORAL DELIVERY OF ARGININE TO CAUSE BENEFICIAL EFFECTS, and in and to said application and all non-provisional, divisional, continuing, substitute, renewal, reissue and all other applications for Letters Patent, utility models, industrial designs or similar intellectual property rights which have been or shall be filed in the United States, internationally, and in any foreign country on any of said inventions; and in and to all original and reissued patents which have been or shall be issued in the United States and all foreign countries on said inventions including the right to apply for patent rights in each foreign country and all rights to priority;
2. Agree that said Assignee may apply for and receive Letters Patent and utility model and industrial design registrations for said inventions in its own name; and when requested, without charge to but at the expense of said Assignee, I agree to carry out in good faith the intent and purpose of this assignment, by executing all non-provisional, divisional, continuing, substitute, renewal, reissue, and all other patent, utility model and industrial design applications on any and all said inventions, by executing all rightful oaths, assignments, powers of attorney and other papers, by communicating to said Assignee all facts known to me relating to said inventions and the history thereof, and generally by doing everything reasonably possible which said Assignee shall consider desirable for aiding in securing and maintaining proper protection for said inventions and for vesting title to said inventions and all applications for patents and all patents on said inventions, in said Assignee;
3. Request the Honorable Director of Patents and Trademarks to issue said Letters Patent to said Assignee;
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This instrument is executed under seal.

6/14/05

Date

E. Thor Fossel

Inventor: Eric Thor Fossel  
Address: 909 West Roxbury Parkway  
Chestnut Hill, Massachusetts 02457  
Citizenship: United States of America

STATE/COMMONWEALTH OF Massachusetts

COUNTY OF Middlesex

On this 14 day of June, 2005, before me, the undersigned notary public, personally appeared Eric Fossel, proved to me through satisfactory evidence of identification, which were MA Drivers L., to be the person who signed the preceding or attached document in my presence and swore or affirmed to me that the contents of the document are truthful and accurate to the best of (his) (her) knowledge and belief and acknowledged to me that (he) (she) signed it voluntarily for its stated purpose.

SEAL

Notary Public

My commission expires 3/24/2011

